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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,711	03/09/2004	Nelik I. Dreiman	C-586 / TEC1363	2874
832	7590	03/03/2006	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,711	DREIMAN, NELIK I.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Theresa Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8-10,12,13,15-17,22-24,26,28 and 30-34 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7, 11, 14, 18-21, 25, 27, 29 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/09/04,08/13/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 34 is rejected under 35 U.S.C. 102(b) as being anticipated by Coulson (Patent Number 2,420,124).

Regarding claim 34, Coulson discloses a rotary compressor assembly comprising:

a motor (12, 14) having a rotor (14) defining a substantially cylindrical compression chamber having an axis;

a first plate (13) and a second plate (13) fixed relative to said rotor and defining opposite ends of said compression chamber;

stationary shaft (17) extending axially through said compression chamber;

a roller (28) rotatably mounted on said stationary shaft and disposed within said compression chamber;

a vane (35) having an outer radial end fixed to said rotor and extending radially inwardly, said vane being fixed to said first and second plates proximate a radial inner end of said vane; and

wherein said roller (28) defines a slot, said radial inner end of said vane being disposed within said slot, rotation of said rotor rotating said first and second plates and said vane,

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rotation of said vane drivingly rotating said roller, said vane and said roller being relatively slidable.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 8-10, 12, 13, 15-17, 22-24, 26, 28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubacker (Patent Number 2,415,011) in view of Deventer (Patent Number 1,964,415).

Regarding claims 1, 17, and 33, as shown in Figs. 1 and 2, Hubacker discloses a rotary compressor for compressing a working fluid comprising: a housing including an oil sump (not numbered; however, clearly seen in Fig. 1); a stationary shaft (18) extending into the housing and including a longitudinal passage (41), the longitudinal passage having a working fluid inlet (not numbered; however, clearly seen in Fig. 1) configured to receive the working fluid; a motor having a stator (17) and a rotor (21), the rotor being rotatably mounted on the shaft within the housing and including an internal compression chamber in fluid communication with the longitudinal passage; and a roller (25) rotatably mounted on the shaft and eccentrically disposed within the compression chamber, the roller (25) being coupled to the rotor wherein rotation of the rotor compresses the working fluid within the compression chamber. However, Hubacker

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fails to disclose the longitudinal passage having an oil inlet in fluid communication with the oil sump.

As shown in Figs 1-3, Deventer teaches that it is conventional in the art to utilize a stationary shaft (50) including the longitudinal passage having an oil inlet (81). With regard claim 2, Deventer further discloses the housing includes an interior chamber (44), the oil sump (not numbered; however, clearly seen in Fig. 1) being disposed in the interior chamber, working fluid compressed within the compression chamber being discharged into the interior chamber wherein oil from the oil sump enters the oil inlet (81) and flow within the longitudinal passage in a substantially upward direction due to a pressure differential created by said compressed working fluid within said interior chamber (42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the oil flowing within the longitudinal passage, as taught by Deventer in the Hubacker apparatus, since the use thereof would have reduced the space of the rotary compressor and provided a compact rotary compressor.

Regarding claim 6, 8-10, 12, 13, 15, 16, 22-24, 26, 28 and 30-33, Hubacker further discloses the housing includes an outlet (62) communicating compressed working fluid from the interior chamber outwardly through the housing; the rotor (21) being integrally formed; the rotor including a radially outer surface having a plurality of permanent magnets mounted thereon; the rotor including a vane (27) extending radially inwardly within the compression chamber and coupling the rotor (21) to the roller (25); the roller and the vane dividing the compression chamber into a variable-volume suction pocket and a variable-volume compression pocket, the rotor and the roller being configured to rotate and thereby compress working fluid in the

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compression pocket and draw working fluid into the suction pocket (not numbered; however, clearly seen in Fig. 1); first and second end plates (31, 33) disposed at opposite axial ends of the compression chamber, the shaft extending through at least one of the end plates; the housing including an outlet (62) communicating compressed working fluid from the interior chamber outwardly through the housing; the stationary shaft being integrally formed with a top portion of the housing; the shaft extending through both the first end plate and the second end plate (33); at least one end plate disposed at an end of the compression chamber, the at least one end plate having a discharge valve cavity in fluid communication with the compression chamber, the at least one end plate including a discharge valve member (43) disposed within the discharge valve cavity and controlling fluid flow from the compression chamber through the discharge valve cavity.

***Allowable Subject Matter***

Claims 3-5, 7, 11, 14, 18-21, 25, 27, 29 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

The IDS (PTO-1449) filed on March 9, 2004 and August 13, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Kercher (U.S. Patent Number 1,882,220), Shore (U.S. Patent Number 2,324,434), Katzenberg (U.S. Patent Number 2,898,032), and Nishimara (Publication Number JP 01-253583), each further discloses a state of the art.

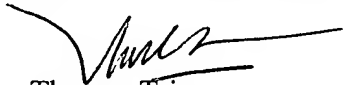
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
February 17, 2006



Theresa Trieu  
Primary Examiner  
Art Unit 3748